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Hermés of Paris, Inc.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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HERMÉS OF PARIS, INC.,

Civil Action No. _____

Petitioner,

Electronically Filed

- against -

MATTHEW SWAIN,

Respondent.

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**DECLARATION OF LAWRENCE R. SANDAK
IN SUPPORT OF PETITION TO COMPEL ARBITRATION AND
ENJOIN PENDING STATE COURT ACTION**

I, LAWRENCE R. SANDAK, make this Declaration pursuant to 28 U.S.C. § 1746. I hereby declare as follows:

1. I am an attorney-at-law licensed to practice in the State of New York and a member of the firm of Proskauer Rose LLP, attorneys for Petitioner Hermés of Paris, Inc. (“Hermés” or “Petitioner”) in the above-captioned matter. As such, I am familiar with the facts and circumstances surrounding this proceeding and the facts set forth herein.

2. I submit this Declaration in Support of Hermés’ Petition to Compel Respondent Matthew Swain (“Swain” or “Respondent”) to arbitrate his claims pursuant to 9 U.S.C. § 4 and to enjoin the pending State court action pursuant to 28 U.S.C. § 2283.

3. Attached hereto as Exhibit A is a true and correct copy of the Complaint filed by Swain on July 19, 2016 in the Superior Court of New Jersey, Essex County, Law Division, Docket No. L-4996-16, captioned *Matthew Swain v. Hermés of Paris; Lorenzo Bautista, Individually; ABC Corporation(s) 1-5; and John and/or Jane Doe(s) 1-5.*

4. Attached hereto as Exhibit B is a true and correct copy of the parties Dispute Resolution Procedure Agreement, dated August 10, 2015, and signed by Respondent on August 28, 2015, reflecting the parties agreement to submit all unresolved disputes to binding arbitration.

5. Attached hereto as Exhibit C is a true and correct copy of e-mail correspondence between Gail Wheeler, Vice President, Legal Counsel of Hermés, and Christopher W. Hager, Esq. of Niedweske Barber Hager, LLC, counsel for Swain, dated July 19, 2016.

6. Attached hereto as Exhibit D is a true and correct copy of e-mail correspondence between Lawrence R. Sandak and Joanne Saint Louis, Director of ADR Services, American Arbitration Association, dated July 27, 2016.

7. Attached hereto as Exhibit E is a true and correct copy of correspondence from the American Arbitration Association to Lawrence R. Sandak and Christopher W. Hager, dated July 26, 2016, pertaining to Hermés of Paris, Inc.'s Request for Mediation.

I declare under the penalty of perjury that the foregoing is true and correct.

Dated: Newark, New Jersey
August 5, 2016

/s/ Lawrence R. Sandak
Lawrence R. Sandak